

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 214.10, 214A.2 and 215.24, the Department of Agriculture and Land Stewardship hereby amends Chapter 85, "Weights and Measures," Iowa Administrative Code.

The amendments eliminate the need for the labeling of biodiesel fuel containing 5 percent or less of biodiesel. The new labeling requirements for biodiesel are set out. Wholesalers selling ethanol blended gasoline or biodiesel fuel will be required to provide the exact volume of the ethanol or biodiesel on the sales slip or invoice.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 8041B** on August 12, 2009.

One comment was received requesting removal of certain language on labeling.

No changes were made since publication of the Notice.

These amendments are intended to implement 2009 Iowa Acts, Senate File 478, sections 118 to 121.

These amendments will become effective February 3, 2010.

The following amendments are adopted.

ITEM 1. Adopt the following new paragraph **85.48(10)"e"**:

e. Biodiesel fuel containing 5 percent or less of biodiesel does not require the biodiesel label.

ITEM 2. Adopt the following new paragraph **85.48(10)"f"**:

f. Biodiesel fuel containing more than 5 percent but not more than 20 percent of renewable fuel must indicate on the label whether biodiesel or biomass-based diesel is the renewable fuel contained in the product. The label must also indicate that the fuel contains biodiesel or biomass-based diesel in quantities greater than 5 percent but not more than 20 percent. A specific blend percentage is not required on the label.

ITEM 3. Adopt the following new paragraph **85.48(10)"g"**:

g. Biodiesel fuel containing more than 20 percent renewable fuel must indicate on the label whether biodiesel or biomass-based diesel is the renewable fuel contained in the product. The label must also reflect the specific percentage of biodiesel or biomass-based diesel in the product.

ITEM 4. Adopt the following new subrule 85.48(16):

85.48(16) Ethanol blended gasoline shall be designated E-xx where "xx" is the volume percent of ethanol in the ethanol gasoline. Ethanol blended gasoline formulated with a percentage of ethanol between 70 and 85 percent by volume shall be designated as E-85. Biodiesel fuel shall be designated as B-xx where "xx" is more than 20 percent renewable fuel by volume.

ITEM 5. Adopt the following new subrule 85.48(17):

85.48(17) A wholesale dealer selling ethanol blended gasoline or biodiesel fuel to a purchaser shall provide the purchaser with a statement indicating the actual volume percentage present. The statement may be on the sales slip provided or a similar document such as a bill of lading or invoice. This statement shall include the specific amount of biodiesel, even if the amount of renewable fuel is 5 percent or less.

[Filed 12/8/09, effective 2/3/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/30/09.